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March 25, 2008

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

Re: STB Ex Parte No. 677 – Common Carrier Obligation of Railroads

Dear Acting Secretary Quinlan:

Enclosed for filing in the above-captioned proceeding, please find Edison Electric Institute's notice of intent to participate in the public hearing scheduled on April 24, 2008

Thank you for your assistance.

Sincerely,

  
Michael McBride

MFm/tew  
Enclosure

# **SURFACE TRANSPORTATION BOARD**

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**Ex Parte No. 677**

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## **COMMON CARRIER OBLIGATION OF RAILROADS**

### **NOTICE OF INTENT TO APPEAR ON BEHALF OF EDISON ELECTRIC INSTITUTE**

Pursuant to the Notice of the Surface Transportation Board ("STB") served February 22, 2008, Edison Electric Institute ("EEI") hereby submits its notice of intent to participate in this proceeding and to appear at the April 24, 2008 hearing.

EEI is the association of U.S. shareholder-owned electric companies. Its members serve 95% of the ultimate customers in the shareholder-owned segment of the industry, and represent approximately 70% of the U.S. electric power industry. It also has as Affiliate members more than 65 International electric companies and, as Associate members, more than 170 industry suppliers and related organizations.

EEI's witness at the April 24, 2008 hearing will be identified later. (The undersigned will accompany EEI's witness and be prepared to respond to legal questions should they arise.) EEI hereby respectfully requests 15 minutes to provide an overview of the investor-owned electric utility industry's need for, and dependence on, the Nation's railroads to transport most of the coal used to generate electricity, and to transport other materials, such as anhydrous ammonia and radioactive materials, associated with the operation of coal-fired or nuclear power plants.

Of particular importance to EEI and its member companies is that (1) there is an adequate rail transportation network in the United States, (2) that railroads continue to be required to carry

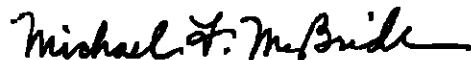
coal as common carriers if so requested; and (3) that railroads continue to be required to carry various hazardous materials (such as anhydrous ammonia and radioactive materials) that are either necessary to operate pollution-control equipment or that are associated with other types of power plants (e.g., nuclear facilities).

It is especially noteworthy, for purposes of this proceeding, that in the 1970s the STB's predecessor found that the rail mode was many times safer than the truck mode to move radioactive and other hazardous materials, and that remains the situation today. Many hazardous materials either cannot be transported by truck or are not transported by truck for various economic and safety reasons. Therefore, it is not only in the public interest to require railroads to carry these vital materials for EEI member companies and the rest of American industry — it is absolutely necessary that they do so.

EEI member companies may also appear and provide testimony that supplements EEI's testimony.

Please list the undersigned as EEI's representative on the official service-list for this proceeding.

Respectfully submitted,



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March 25, 2008

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